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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,123	03/28/2001	Thomas M. Sirhall	P5710 (SMQ-059)	2140

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LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,123

Applicant(s)

SIRHALL, THOMAS M.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,11-13 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,11-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Status of Claims

In response to the Amendment filed on 9/3/02, Claims 1-2, 5-8, 11-13, and 17-20 are pending. Claims 3-4, 9-10, and 14-16 are cancelled.

Claim Objections

Claim 5 is objected to because of the following informalities: Claim 5 is dependent on cancelled claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 6-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields (US 6,347,943). The rejection from the previous office action is maintained and is incorporated herein by reference.

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[Claims 6-8, 11-13]: Regarding Claims 6-8 and 11-13, Fields discloses wherein the fill-in-the-blank applet includes a definition file (i.e. template), which is unavailable to the user, defining a correct answer to the question such that the definition file is separate from a source code for said Web page or HTML code to prevent a user from obtaining the correct answer by viewing the source code. It would be an inherent feature of Fields' to have a definition file comprising answers that is separate from source code for a Web page. See Col.5: 55-59. Fields states that the server holds the knowledge base material, such as the authored instructional content (e.g. definition file including answers), and that the user interface materials reside on the client side (e.g. separate from the server and definition file located on the server). See Col.4: 47-57.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields in view of Fong et al. (US 5,219,291).

1. [Claims 1-2, 17]: Regarding Claims 1-2 and 17, Fields does not disclose expressly wherein said applet automatically provides a correct answer in the text box after the user surpasses a predetermined number of attempts. However, providing a

correct answer after the user surpasses a predetermined number of attempts is old and well-known in the art.

Fong teaches such in Col.6: 67-Col.7: 2. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into the system of Fields automatically providing a correct answer after the user surpasses a predetermined number of attempts in order to reduce the probability that a user arrived at a particular answer by guessing.

2. [Claim 2]: Regarding Claim 2, Fields discloses wherein said applet provides feedback to the user indicating whether an answer entered by the user is correct. See Col.2: 42-50.

3. [Claim 18]: Regarding Claim 18, Fields discloses a browser for locating and displaying said Web page. See Col.4: 20-23.

4. [Claim 19]: Regarding Claim 19, Fields discloses a network connection for connecting said electronic device to a computer network. See Col.4: 8-12.

5. [Claim 20]: Regarding Claim 20, Fields' discloses input media to allow the user to enter said answer. See Col.7: 9-27.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Freeman et al. (US 6,301,462)
-online collaborative apprenticeship

- Elliot et al. (US 6,431,875)
-administering tests over a network
- Fong et al. (US 5,219,291)
-electronic educational video system apparatus

Response to Arguments

Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made NON-FINAL.

Applicant's argument regarding independent claims 6 and 11 have been fully considered but they are not persuasive. See appended 35 U.S.C. 102(e) rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel T. Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris
Examiner
Art Unit 3714

Ch.

ch.
October 25, 2002



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700